

ORIGINAL
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PATRICIA WILSON,

Plaintiff,
-against-

CABRINI CENTER FOR NURSING AND
REHABILITATION,

Defendants.

MEMORANDUM AND ORDER
Case No. CV-04-608 (FB) (LB)

Appearances

For the Plaintiff:

PATRICIA WILSON, *Pro Se*
75 Ocean Avenue, Apt. 4N
Brooklyn, NY 11225

For the Defendant:

CLAIRE BOLAND-ARELLANO, ESQ.
Assistant General Counsel
Cabrini Medical Center
227 East 19th Street
New York, NY 10003

BLOCK, Senior District Judge:

On April 17, 2007, the Court issued an order dismissing plaintiff's claim with prejudice pursuant to Federal Rule of Civil Procedure 37(b)(2)(C), on the ground that she willfully disobeyed a court order to appear for the continuation of her deposition, *see* Docket Entry No. 40 (Mem. and Order); judgment was entered two days later, *see* Docket Entry No. 41 (Clerk's Judgment dated Apr. 19, 2007). On June 19, 2007 – sixty-one days after the entry of judgment and sixty-three days after issuance of the order – plaintiff filed a motion for an extension of time to file a notice of appeal pursuant to Federal Rule of Appellate Procedure 4(a)(5). *See* Docket Entry No. 42 (Notice of Appeal).

Rule 4(a) provides that, except in circumstances that do not apply here, a notice of appeal in a civil case "must be filed with the district clerk within 30 days after the judgment or order appealed from is entered." Fed. R. App. P. 4(a)(1)(A). The rule further provides:

The district court may extend the time to file a notice of appeal if: (i) a party so moves no later than 30 days after the time prescribed by this Rule 4(a) expires; and (ii) regardless of whether its motion is filed before or during the 30 days after the time prescribed by this Rule 4(a) expires, that party shows excusable neglect or good cause.

Fed. R. App. P. 4(a)(5)(A).

Plaintiff's motion for an extension of time was filed more than thirty days after the prescribed period for filing a notice of appeal. Moreover, she has failed to provide any evidence of excusable neglect or good cause for her delay. Accordingly, her motion is denied.

SO ORDERED.

/S/


FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
August 29, 2007